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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

NOVARTIS PHARMACEUTICALS CORPORATION,	)	
Plaintiff,	)	Civil Action No.: _____
v.	)	
ALISHA ALAIMO,	)	
Defendant.	)	

DECLARATION OF LISA DESCHAMPS

I, Lisa Deschamps, affirm as follows:

1. My name is Lisa Deschamps. I am over the age of 18. All statements of fact made herein are based on my personal knowledge, or based on my investigation and review of business records, in which case I believe them to be true.

2. I make this declaration on behalf of Novartis Pharmaceuticals Corporation, a Delaware corporation with its principal place of business in East Hanover, New Jersey

("Novartis") in support of its emergency motion for order to show cause with temporary restraints.

3. I am currently employed by Novartis as the Worldwide Head of the Neuroscience Franchise ("WW Head of Neuro"). I have been in this role on an interim basis since February 1, 2017, and on a permanent basis since June 12, 2017. I am responsible for overseeing the development, strategic planning, and commercialization of the Novartis' neuroscience portfolio, focused on bringing neuroscience products to the market and ensuring their success. Prior to this role, I was the Vice President and U.S. Country Head of the Neuroscience Franchise ("U.S. Head of Neuro"), a position I took over from Alisha Alaimo ("Alaimo"). I have worked for Novartis, or its predecessor company, since 1995.

4. I have known Alaimo since about 2000, when we worked in the training department together. In April of 2016, I took over the Neuroscience Franchise. Alaimo was my predecessor, and at times we discussed talent and historical information during the transition. Although there was an ad interim between Alisha and me, Alisha was still the one I would reach out to for consultation when needed. Over the last year and a half, we would occasionally chat about talent or the Neuroscience Franchise during breaks at various committee meetings and at off-site meetings until she gave her notice on June 2, 2017.

NOVARTIS' NEUROSCIENCE FRANCHISE AND THE COMPETITIVE NEUROSCIENCE MARKETPLACE

5. Novartis is organized into franchises, each encompassing a different disease area. As U.S. Head of Neuro, Alaimo was among the top 13 executives in the company's Pharmaceuticals division. In that role, Alaimo's total direct line headcount in the Neuroscience Franchise was approximately 200 associates between marketing and sales, and about 350 with direct and indirect associates included. During Alaimo's tenure as U.S. Head of Neuro, the

leading drug in the neuroscience portfolio was Gilenya®, the first oral MS treatment. As the portfolio continues to evolve, the pipeline also includes other neurological diseases such as Neuropathic pain, MS pipeline assets, migraine, Alzheimer's, and spinal muscular atrophy (SMA).

6. MS is a chronic autoimmune disease that attacks the healthy tissues in the central nervous system ("CNS"). When MS attacks myelin – the covering that surrounds and protects the body's nerve fibers – nerve impulses are interrupted, causing MS symptoms. MS affects over 400,000 Americans. Gilenya® is thought to work by keeping lymphocytes from attacking the CNS by lowering the number of lymphocytes circling in the blood. Gilenya® was the first pill proven to treat relapsing forms of MS. It currently competes with other MS therapies (in particular, Biogen Inc.'s Tecfidera®, Tysabri®, Avonex®, Plegridy®, Tysabri®, Zinbryta®, and Fampyra®).

7. Gilenya® and Tecfidera® are alternative treatments – administered the same way, for the same disease, at the same stages of the disease. The products directly compete, going head-to-head in the highly competitive market. (Gilenya® is also considered to have Tysabri® like efficacy, and therefore competes in that patient segment as well.) Despite Gilenya® exceeding $3.1 billion in worldwide sales in 2016, Tecfidera® currently has the largest market share in the oral market.

8. In addition, Novartis has a number of drugs in the neuroscience pipeline. Depending on the drug, the pipeline process can take from two to 15 years to get to market. To my knowledge, the typical multiple sclerosis (MS) drug is in development for about 5-8 years, depending on which part of the disease it is studying, how challenging it is to recruit patients, and how long it takes to prove end-points.

ALAIMO'S KNOWLEDGE OF NOVARTIS' HIGHLY SENSITIVE COMPETITIVE INFORMATION

9. During her time as U.S. Head of Neuro, Alaimo was deeply entrenched in the daily nuances of the Neuroscience Franchise, including exposure to highly sensitive competitive information about patient service offerings, field force decisions, KOL insights and relationships with the organization, brand positioning, and financial strategy.

10. Alaimo continued to be exposed to this type of information even as she transitioned over to U.S. Vice President and Head of the Cardiology Franchise ("U.S. Head of Cardio"). Such exposure took place through, for example, her ongoing position on various executive committees, including the Pharmaceutical Executive Committee ("PEC") (which meets monthly), the Product Development Advisory Board ("PDAB") (which meets quarterly), the Commercial Excellence Team ("CET") (which meets monthly), and periodic business reviews, and strategic planning meetings with higher level executives.

11. Alaimo and I sat together on each of these committees and meetings as recently as two weeks before her resignation. As a member of each of these committees, Alaimo was expected to, and did, participate in discussions of some of Novartis' most guarded corporate strategic secrets. At these meetings, franchise heads interacted extensively and shared detailed confidential information to ensure that the overall performance of Novartis as a whole was cohesive and successful.

12. Attendance at, and participation in, each of these meetings is a key part of the duties of the senior corporate officers at Novartis, Alaimo included.

13. The strategic planning discussions held in each of these meetings sometimes looked up to five years into the future. The outcomes of these discussions and planning meetings had implications across all franchises and brands, often on the global level.

PEC MEETINGS

14. I sat on the PEC with Alaimo from April 2016, through June 2017. PEC meetings consist of about 15 very senior corporate officers and franchise heads discussing the strategic and competitive plans and expectations for each franchise and individual brand. Each PEC meeting consisted of a combination of brand specific presentations and other corporate strategic discussions. In the brand sessions, we often discussed strengths and weaknesses of the brands and vulnerabilities of the business and products as compared with competitors. As PEC members, we commonly shared our own experiences and brainstormed to come up with business strategies and solutions for how to best address any competitive disadvantage. We regularly analyzed what strategies worked and did not work, and collectively determined the direction of each franchise and brand.

15. Discussions at the PEC ranged from high level strategy and planning to granular financial details. For example, we regularly looked at specific financial performance data and projections which were far more detailed than what is publicly reported or available through third parties. We also analyzed sales force numbers, training quality and competitiveness, patient service offerings and competiveness of these offerings, execution key performance indicators, and resource allocation across brands and franchises, and made strategic projections for deployment of resources across product lines. This information would be extremely valuable for a competitor as they plan their strategy for competing with Novartis.

16. Most recently, out of the five PEC meetings we held in 2017 (January 8-13, February 16, March 31, April 19, and May 17), products in the Neuroscience Franchise (including drugs such as Gilenya®) were explicitly discussed in three of these meetings.

17. Based on my review of the minutes, agenda, and prereads, during the most recent

PEC meeting (*i.e.*, May 17, 2017), which Alaimo attended, a key brand update was given regarding brand priorities for Gilenya®. The prereads for the meeting, which Alaimo would be expected to review prior to the PEC meeting, detailed the financial performance of Gilenya® and the proposed strategies for improving this performance. Discussions at the PEC resulted in an agreement to [redacted] Alaimo was present and participated in this detailed discussion of Gilenya® just two weeks before her departure from Novartis.

18. Gilenya® was also discussed at length during the March 31, 2017 PEC meeting.

19. In particular, Gilenya® was a featured brand in the discussion of the strategic plan and reflection of Q1 performance. There was also an in-depth discussion of the Gilenya® [redacted]

20. Access to the types of information we discussed at PEC meetings is restricted to high level corporate officers. At this level, executives appreciate the competitive and confidential nature of the information being discussed.

21. I never heard anyone (whether from Human Resources, Legal or otherwise) state at any PEC meeting that our noncompetes (at the Novartis Pharmaceuticals Leadership level) are unenforceable. Indeed, the only discussion of noncompetes that I can recall centered around the sales representative level. Even then, we were not told that the noncompetes were unenforceable, only that there were certain requirements to show enforceability and that they could be more difficult to enforce at that level.

PDAB MEETINGS

22. In addition to attending PEC meetings, Alaimo and other Franchise heads are invited to, and receive the agenda and prereads for, all PDAB meetings, which meet monthly.

The general purpose of the PDAB is to analyze drugs in Novartis' pipeline and make decisions regarding which drugs are worth investing in. Novartis maintains a constant pipeline of new products across each franchise. As a result of her invitation to the PDAB, senior management business reviews, and other PEC and company forums, Alaimo is intimately aware of each drug still in the neuroscience pipeline, including BAF312 OFA (MS) and LMI070 (SMA).

23. Most recently, Alaimo was invited to (and received the prereads and minutes for) the May 9, 2017 PDAB Meeting. The minutes from this meeting outline the determination of the PDAB that the MS pipeline drug [redacted]. Intimate information regarding Novartis' pipeline drugs, such as preference for indication statement, asset value and full details of conversation with the FDA, is not publically known. Alaimo had unique access to current highly sensitive competitive information through the minutes of the PDAB and other business and committee meetings.

24. Alaimo was also invited to and received the prereads and minutes for the April 21, 2017 PDAB meeting. At this particular PDAB meeting, a presentation was made regarding Novartis's pipeline drug LMI070, which is for the treatment of spinal muscular atrophy (SMA). Alaimo received a copy of the detailed presentation outlining the market for LMI070, as well as the development plan, financials, and risks associated with the drug. LMI070 will compete directly with Biogen's Spinraza®. As stated on their recent quarterly earnings, Biogen considers Spinraza® to be a strategic asset. This competitive position is explicitly discussed in the slide deck circulated for the April 21, 2017 PDAB meeting. At the time Alaimo received these materials, we had not shared any information regarding LMI070 externally in the marketplace. To date, we have not shared this type of detail externally in the market place.

CET MEETINGS

25. In addition to the PEC and PDAB meetings, Alaimo was also an active participant, alongside myself, in CET meetings since their inception in November 2016. The CET is a subset of Novartis' commercial leaders who discuss tactical matters for their teams (including sales incentives, President's club, patient services quality, marketing and sales competencies, etc.).

26. The most recent CET meeting, which Alaimo and I both attended, took place on May 17, 2017. Portions of the presentation focused on [redacted] of Novartis' three market leading drugs (Gilenya®, Cosentyx®, and Entresto®), including [redacted]

27. As with information discussed at PEC and other business reviews, forums and PDAB, information and discussions at the CET were understood by all those in attendance to be highly confidential. Given, Alaimo's constant exposure to this type of confidential information she would have intimate details of our business that are not publically known in the market place. This includes information that informs all aspects of Novartis' Neuroscience Franchise strategy, including Gilenya® and future MS pipeline assets, and other assets such as LMI070 that will compete directly with Biogen's current portfolio. This type of sensitive information could be used to influence business decisions Alaimo makes at Biogen.

OTHER EXECUTIVE MEETINGS

28. In addition to the PEC, PDAB, and CET meetings, Alaimo also participated in periodic meetings with high level global executives. In the first half of 2017, Alaimo and I participated in three such meetings. At each of these meetings, the focus was on three drugs- Gilenya®, Cosentyx®, and Entresto®.

29. The first such meeting was a business review with Paul Hudson, the Global CEO of the Pharma Division, and took place on February 1, 2017. Both Alaimo and I attended this meeting.

30. During this business review, I presented a slide deck on Gilenya® to all of the meeting attendees, including Alaimo. My presentation covered the challenges facing Gilenya® in 2017 and outlined Novartis' strategic plan [redacted]

31. As a result of her participation in these types of meetings, and other PEC and PDAB meetings, Alaimo has intimate and recent knowledge regarding the Neuroscience Franchise's competitive plans for attaining a greater market share, specifically from its primary competitor, Biogen's Tecfidera®, Tysabri®, and Zinbryta®. Alaimo's intended position at Biogen places this highly sensitive competitive information in the hands of one of Novartis' main competitors. It is difficult to see how Alaimo could perform the tasks associated with her planned role without using (even unintentionally) this information.

32. The next executive level meeting was a strategic planning meeting with Paul Hudson on March 13, 2017. Once again, Alaimo and I both attended this meeting. At this meeting, the strategic plan for each franchise was presented and discussed. In particular, the Neuroscience Franchise presented and discussed its MS pipeline drug, BAF312 OFA. Strategic goals and milestones for the neuroscience pipeline drugs were discussed for the next five years, from 2017-2022.

33. The most recent meeting was with Joe Jimenez, the Global CEO of Novartis, on

April 27, 2017. All members of the PEC attended (Alaimo and me included) to discuss financial updates and business priorities, including key business drivers, fiscal year outlooks, and risks and opportunities. Each franchise's performance was individually reviewed in detail.

34. At this April 27 meeting, the Neuroscience Franchise presented information regarding it's SMA pipeline drug, LMI070. The presentation outlined the [redacted] In particular, the presenters and attendees at this meeting discussed at length [redacted] drug – Biogen's Spinraza®.

ALAIMO'S ANTICIPATED ROLE AT BIOGEN

35. I understand from Biogen's press release and their live announcement during their earnings web cast that Alaimo will be working for Biogen as Senior Vice President of U.S. Therapeutic Operations. A true and accurate copy of the press release is attached hereto as Exhibit A.

36. Biogen is one of Novartis' biggest competitors in neuroscience, particularly in the MS and SMA markets. From the press release, I understand that Alaimo will be working directly to ensure successful commercialization of Biogen's portfolio of neuroscience therapies, including Spinraza® and Tecfidera®, among others. Both of these products, and other Biogen drugs, are directly in competition with Novartis' MS current and pipeline drugs.

37. As stated above, Alisha has repeatedly been exposed to highly sensitive competitive information since 2014. This could impart an unfair competitive advantage to Biogen. Specifically, because of her position as a very senior corporate officer at Novartis, Alaimo had extensive exposure to all kinds of highly sensitive competitive information. Despite

moving away from her position as the U.S. Head of Neuro, Alaimo's regular exposure to trade secret and confidential information regarding the Neuroscience Franchise continued up until the time of her departure. She learned this information through her experience as U.S. Head of Neuro, through conversations with me, and through her participation in the PEC, PDAB, CET, and other executive meetings. This information could inevitably influence her in her new role at Biogen.

38. Competitors such as Biogen try hard to acquire the very type of information that Alaimo knows first-hand about Novartis. Third parties sell some of this type of information – but they do not have access to the truly sensitive competitive information. It is exactly that information, to which Alaimo was repeatedly and constantly exposed, that we are very worried about being used by a competitor such as Biogen.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed this 3 day of August 2017 at San Juan, Puerto Rico.

Lisa Deschamps

EXHIBIT A

Business Wire
A Berkshire Hathaway Company

Alisha A. Alaimo Appointed SVP of Biogen's US Therapeutic Operations

July 24, 2017 04:15 PM Eastern Daylight Time

CAMBRIDGE, Mass.--(BUSINESS WIRE)--Biogen (NASDAQ: BIIB) announced today the appointment of Alisha A. Alaimo to Senior Vice President of US Therapeutic Operations, where she will lead sales and marketing, market access, patient services and commercial operations and strategy.

Alaimo will join Biogen from Novartis, where she was Vice President and Head of its Cardiovascular Business Unit. At Biogen she will work to drive the uptake of the company's industry-leading portfolio of multiple sclerosis (MS) therapies and increase access for SPINRAZA®, the first and only approved treatment for spinal muscular atrophy. Alaimo will also work to prepare the US market for potential approvals of new therapies from across the company's late-stage neuroscience pipeline. She will report directly to Chief Executive Officer Michel Vounatsos.

"Alisha has a remarkable track record of success within highly competitive therapeutic areas. She joins Biogen at an important time as we work to build upon our MS leadership and define a future focused on bringing forward new therapies for neurologic and neurodegenerative diseases," said Vounatsos. "Her experience developing new markets for breakthrough therapies, commitment to patients and customer focus, and experience driving complex and dynamic organizations make her an ideal leader to help move Biogen forward."

Over a 17-year career at Novartis, Alaimo took on positions of increasing responsibility in the US, United Kingdom and Switzerland. Prior to heading the Cardiovascular Unit she oversaw the company's Neuroscience Business Unit.

"I am honored to join a company that has demonstrated unparalleled leadership and commitment in MS and continues to work relentlessly to transform treatment for patients," said Alaimo. "Biogen's focus on potentially transformative new medicines in neurology creates a unique opportunity to build and reach new markets in critical areas of unmet need."

Alaimo received a BS in Biology from Emory University.

About Biogen
Through cutting-edge science and medicine, Biogen discovers, develops and delivers worldwide innovative therapies for people living with serious neurological and neurodegenerative diseases. Founded in 1978, Biogen is a pioneer in biotechnology, and today the company has the leading portfolio of medicines to treat multiple sclerosis; has introduced the first and only approved treatment for spinal muscular atrophy; and is at the forefront of neurology research for conditions including Alzheimer's disease, Parkinson's disease and amyotrophic lateral sclerosis. Biogen also manufactures and commercializes biosimilars of advanced biologics. For more information, please visit www.biogen.com. Follow us on social media – Twitter, LinkedIn, Facebook, YouTube.

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